


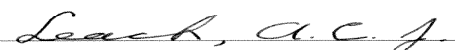
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 62903-4-I
Respondent,)	
)	DIVISION ONE
v.)	
)	
JOHN PATRICK HEESE,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: August 16, 2010

PER CURIAM. John Heese appeals his conviction for possession of methamphetamine, arguing that the court erred in denying his motion to suppress methamphetamine found in a search of his car. He contends, and the State concedes, that the search was unlawful under Arizona v. Gant, ___ U.S. ___, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009) (restricting vehicle searches incident to arrest). The State argues, however, that suppression is not required because the officers were acting in good faith reliance on pre-Gant law. This argument is controlled by our State Supreme Court's recent decision declaring the good faith exception incompatible with our state constitution. State v. Afana, No. 82600-5, 2010 WL 2612616 (Jul. 1, 2010). Because the State offers no other basis for upholding the search, the court's order denying the motion to suppress must be reversed. And because the State points to no lawfully obtained evidence supporting the charge and conviction, Heese's conviction must be reversed and the charge dismissed.

Reversed and dismissed.

For the court:

Cox, J.